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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

AMAR BELLHAHA,

Plaintiff,

v.

ALBERTO GONZALES, Attorney General  
 of the United States; MICHAEL CHERTOFF,  
 Secretary of the Department of Homeland  
 Security; EMILIO GONZALEZ, Director of  
 United States Citizenship and Immigration  
 Services; ROBERT MUELLER, Director of  
 Federal Bureau of Investigation;  
 CHRISTINA POULOS, Director of the  
 California Service Center,

Defendants.

No. C 07-2872 PJH

**JOINT CASE MANAGEMENT  
 STATEMENT; AND [PROPOSED]  
 ORDER**

**1. Jurisdiction and Service**

The basis asserted by plaintiff for this Court's jurisdiction is 8 U.S.C. §1447(b), 28 U.S.C. §1331, 28 U.S.C. § 361, 5 U.S.C. § 701, and 28 U.S.C. §2201. The parties do not dispute that venue is proper in this district. No issues exist regarding personal jurisdiction, and no parties remain to be served.

**2. Facts**

The plaintiff is a lawful permanent resident of the United States who filed an application for naturalization with the United States Citizenship and Immigration Services (USCIS) on August 19, 2005. Plaintiff was interviewed by an immigration officer on December 15, 2005. The

1 plaintiff's application for naturalization is pending. On June 1, 2007, the plaintiff filed this action  
2 pursuant to 8 U.S.C. § 1447(b), which provides that if USCIS has not adjudicated a naturalization  
3 application within 120 days of examining the applicant, the applicant may ask the District Court  
4 for a hearing on his or her naturalization application. The District Court may then either hold an  
5 evidentiary hearing on the naturalization application or remand to USCIS with appropriate  
6 instructions.

### 7 **3. Legal Issues**

8 Whether this Court lacks jurisdiction over the plaintiff's action.

9 Whether this Court should conduct a hearing on plaintiff's application for naturalization or  
10 remand plaintiff's application to the agency with instructions to complete his naturalization.

### 11 **4. Motions**

12 The defendants intend to file a motion to dismiss for lack of jurisdiction/motion to remand  
13 this matter to USCIS.

### 14 **5. Amendment of Pleadings**

15 No parties, claims or defenses are expected to be added or dismissed.

### 16 **6. Evidence Preservation**

17 The parties do not have any evidence that falls within this category.

### 18 **7. Disclosures**

19 The parties believe that the initial disclosure requirements of Fed. R. Civ. P. 26 do not  
20 apply to this case.

### 21 **8. Discovery**

22 The parties do not intend to take any discovery at this time.

### 23 **9. Class Actions**

24 Not applicable.

### 25 **10. Related Cases**

26 The parties are not aware of any related case or cases.

### 27 **11. Relief**

28 The plaintiff asks this Court to adjudicate his naturalization application or, in the  
alternative, to remand the matter to USCIS with instructions to immediately adjudicate his  
naturalization application.

**12. Settlement and ADR**

The parties intend to promptly file their ADR certification and Notice of Need for ADR phone conference.

**13. Consent to Magistrate Judge for All Purposes**

The parties will consent to the assignment of this case to a magistrate judge.

**14. Other References:**

The parties do not believe that this case is suitable for reference to binding arbitration, a special master, or the Judicial Panel on Multidistrict Litigation.

**15. Narrowing of Issues**

The parties do not believe that the issues can be narrowed by agreement or by motion, and do not have suggestions to expedite the presentation of evidence at trial (e.g., through summaries or stipulated facts), and any request to bifurcate issues, claims or defenses.

**16. Expedited Schedule**

N/A

**17. Scheduling**

Defendants' Motion to Dismiss/Remand: January 11, 2008

Plaintiff's Opposition: January 25, 2008

Defendant's Reply: February 1, 2008

Hearing: February 20, 2008 at 9:00 a.m.

**18. Trial**

The parties do not anticipate the need for a trial in this case. If this Court denies the defendants' motion to dismiss/remand, the parties will ask this Court to set another CMC, at which time the parties will ask this Court to set an evidentiary hearing date on the plaintiff's naturalization application.

**19. Disclosure of Non-Party Interested Entities or Persons:**

The parties intend to file the "Certification of Interested Entities or Persons" required by Civil Local Rule 3-16.

**20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this matter**

None.

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4 Dated: October 18, 2007

/s/  
SHAH PEERALLY  
Attorney for Plaintiff

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8  
9 Dated: October 18, 2007

/s/  
EDWARD A. OLSEN  
Assistant United States Attorney  
Attorney for Defendants

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13 **ORDER**

14 The Case Management Statement and Proposed Order are hereby adopted as the Case  
15 Management Order for the case and the parties are hereby ordered to comply with this order.  
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17 Dated: October \_\_, 2007

18 \_\_\_\_\_  
PHYLLIS J. HAMILTON  
19 United States District Judge  
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